

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK**

LOST LAKE HOLDINGS LLC et al.

Plaintiffs,

vs

TOWN OF FORESTBURGH, et al.

Civ. Action No. 7:22-cv-10656

Defendants.

DECLARATION OF ZALMAN STEIN

Zalman Stein declares as follows, pursuant to 28 U.S.C. § 1746:

1. I was formerly an officer of Rose Improvements, Inc., which was hired to serve as the General Contractor for Plaintiffs and make this declaration in that capacity.
2. I have personal knowledge of the facts set forth herein.
3. I am over the age of eighteen (18) and competent to testify in a court of law.
4. I respectfully submit this Declaration in support of the Plaintiffs' Motion for Preliminary Injunction being filed contemporaneously with the same.
5. On or about June 22, 2021, I submitted a building permit application for Lot 303 in the Lost Lake Project to Glenn Gabbard.
6. At that time, Mr. Gabbard told me that the building permit would be granted in approximately a week.
7. The building permit was not granted within a week as Mr. Gabbard had indicated.

8. Instead, shortly thereafter, when I was in the Forestburgh Town Hall building on another matter, Town Clerk Joanne Nagoda told me to pick up the application from the Building Department.
9. The application had not been either granted or denied.
10. Attached hereto as **Exhibit A** contains a true and correct copy of the email I received from Mr. Gabbard on June 25, 2021.
11. On or about October 12, 2021, I met with Mr. Gabbard to discuss the Town's comments on the application for Lot 303. Mr. Gabbard said that it was the attorneys for LLH and the Town that would resolve any outstanding issues with the application.
12. On or about October 15, 2021, I met with Mr. Gabbard again to discuss the building permit application for Lot 303. I asked him who would make the final decision as to whether the building permit would be issued. He stated again that the attorneys would have to work this out and that his hands were tied.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on 6/17, 2023

Zalman Stein
Zalman Stein